

REMARKS

Applicant respectfully requests reconsideration of this application, as amended, and consideration of the following remarks.

Examiner Interview

Applicant thanks the Examiner for the courtesy of the telephone interview on October 12, 2004, in limitation f) of claim 13 was discussed with respect to the cited references.

Amendments

Amendments to the Claims

Claims 13-25, and 28-48 remain in this application. Claims 13 and 28 have been amended. Claims 26, and 51-61 have been canceled. No new matter has been added as a result of these amendments.

Rejections

Rejections under 35 U.S.C. §112

Claims 57-61

Claims 57-61 were rejected under 35 U.S.C. §112, first and second paragraphs. Claims 57-61 were canceled.

Rejections under 35 U.S.C. §103

Claims 13-26, 28-41, and 51-56

Claims 13-26, 28-41, and 51-56 were rejected under 35 U.S.C. §103(a) as being obvious over the combination of USPN 6,331,858 (Fisher) and USPN 6,333,749 (Reinhardt). Claims 26 and 51-56 were canceled. The rejection is avoided in part by amendment and is traversed in part. To establish *prima facie* obviousness of a claimed invention, all the claim

limitations must be taught or suggested by the prior art. All claim limitations of the invention as claimed in claims 13 and 28, however, are not taught or suggested in the prior art.

Claims 13 and 28 were amended to recite “product not of the space”, thus clarifying that the term product should not be interpreted as an object that might have been in the original image. Claim 28 was also amended to require a transforming step to apply to the product representation.

Reinhardt discloses modeling of objects in images. However, as agreed in the interview with the Examiner, Reinhardt is not concerned with products not of the scene as claimed in claims 13 and 28 as amended.

Fisher discloses presentation of products in situ. While this point was not explicitly agreed on during the interview with the Examiner, Fisher does not deal with models based on camera-acquired images, much less transforming and combining models based on camera information.

Examiner explained on page 9 of the July 2 Office action that “Reinhardt’s technique would provide more realistic images of the space containing the products in situ, therefore it would have been obvious to one of ordinary skill in the art to modify Fisher’s invention according to Reinhardt”. Even admitting, *arguendo*, that one of skill in the art could use Reinhardt to build a model and then place products in the model according to Fisher, the combination still does not render claims 13 and 28 obvious because all claim limitations are not taught or suggested by either reference.

Specifically, claim 13 step (f) requires transforming the product geometric model based on camera position, and claim 28 step e) requires transforming the product representation according to image associated capture parameters. It would be improper to combine the

references by applying Reinhardt's transformation of objects of the scene to Fisher's products. Such a combination would not entail using Reinhardt's disclosure to build a model in which Fisher's product could be presented, but would be applying aspects of Reinhardt's disclosure to elements of Fisher's disclosure to achieve a result that is neither taught nor suggested in either reference. The result obtained by the methods of claims 13 and 28, as explained below, is not contemplated by the prior art references.

For a proper prima facie case of obviousness the prior art must suggest the desirability of the claimed invention. The images resulting from the methods of claims 13 and 28 present a product in a context customized to a user, for example within an photograph of a space that a user took, a feature impossible in Fisher and suggested in neither Fisher nor Reinhardt. Furthermore, the result may be also customized by a user taking and providing a photograph of a product ("product representation" in claims 13 and 28), which is neither disclosed nor suggested by Fisher or Reinhardt. Importantly, because of underlying use of camera parameters for transforming product models or representations for combining the scene digital image and the product representation to form a combined image of the space, modeling is implicit. That is, a user need not be concerned with explicitly constructing models. A novice can create truly photorealistic representations of products in situ with correct perspective and dimensions. Again, Fisher and/or Reinhardt do not address such a capability.

As neither Fisher nor Reinhardt teaches transforming a product not of the scene based on camera parameters as claimed in claims 13 and 28, the combination cannot be interpreted to disclose the missing element.

Claims 14-25 depend from claim 13, and claims 29-41 depend from claim 28, and they are therefore patentable at least for the reasons detailed above regarding claims 13 and 28.

Therefore, the combination of Fisher and Reinhardt cannot render obvious Applicant's invention as claimed in claims 13-25 and 28-41, and Applicant respectfully requests withdrawal of the rejection of these claims under 35 U.S.C. §103(a) over the combination.

Allowable Subject Matter

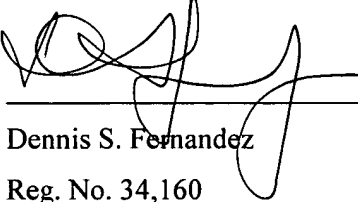
Applicant thanks the Examiner for indicating that claims 42-48 contain allowable subject matter.

Conclusion

In view of the above, it is respectfully submitted by Applicants that the pending claims are in condition for allowance. Allowance of the claims at an early date is solicited.

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Respectfully submitted,



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